

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE FERNANDEZ, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

BUFFALO JACKSON TRADING CO., LLC,

Defendant.

Case No.: 1:24-cv-04878-JPC

**DECLARATION OF MARTIN S.
KREZALEK IN SUPPORT OF
DEFENDANT THE BUFFALO JACKSON
TRADING CO., LLC'S MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT**

I, **MARTIN S. KREZALEK** hereby declare, pursuant to U.S.C. § 1746, that the following is true and correct:

1. I am a Partner at the law firm of Blank Rome LLP, counsel for Defendant Buffalo Jackson Trading Co., LLC (“Buffalo Jackson”), and as such I am fully familiar with the facts and circumstances described herein.
2. I submit this Declaration in support of Buffalo Jackson’s Motion to Dismiss Plaintiff Felipe Fernandez’s September 9, 2024 First Amended Complaint (ECF No. 9).
3. On October 20, 2024, I ran a PACER Search for cases filed by Felipe Fernandez in the U.S. District Court for the Southern District of New York. Attached at **Exhibit 1** is a true and correct copy of the list of cases in which Fernandez is the plaintiff. All of the cases allege violations of the Title III of the American Disabilities Act, 42 U.S.C. § 12181, *et. seq.* (“ADA”)

4. Attached at **Exhibit 2** is a true and correct copy of the June 3, 2024 Complaint in the action captioned, *Experian Information Solutions, Inc. v. Stein Saks, PLLC, et al.*, Case No. 8:24-cv-01186 (C.D.C.A.)

5. Attached at **Exhibit 3** is a true and correct copy of the May 31, 2024 Complaint in the action captioned, *Fernandez v. The Orvis Company, Inc.*, Case No. 24-cv-4180 (S.D.N.Y.).

6. Attached at **Exhibit 4** is a true and correct copy of the May 31, 2024 Complaint in the action captioned, *Fernandez v. Paksha, Inc.*, Case No. 24-cv-4177 (S.D.N.Y.).

7. Attached at **Exhibit 5** is a true and correct copy of the May 31, 2024 Complaint in the action captioned, *Fernandez v. Great Wall 837, Inc.*, Case No. 24-cv-4171 (S.D.N.Y.).

8. Attached at **Exhibit 6** is a true and correct copy of the May 31, 2024 Complaint in the action captioned, *Fernandez v. Morgan Jewelers of Salt Lake City, Inc.*, Case No. 24-cv-4173 (S.D.N.Y.).

9. Attached at **Exhibit 7** is a true and correct copy of the June 27, 2024 Complaint in the action captioned, *Fernandez v. Weyco Group, Inc.*, Case No. 24-cv-4880 (S.D.N.Y.).

10. Attached at **Exhibit 8** is a true and correct copy of the June 27, 2024 Complaint in the action captioned, *Fernandez v. For Wellness Labs, Inc.*, Case No. 24-cv-4884 (S.D.N.Y.).

11. Attached at **Exhibit 9** is a true and correct copy of the Order, dated August 25, 2022, in the action captioned, *Jaquez v. 3Wishes.com, Inc.*, Case No. 1:22-cv-2568 (VEC) (S.D.N.Y. August 25, 2022).

12. Attached at **Exhibit 10** is a true and correct copy of the Order, dated May 24, 2024 in the action captioned *Mercedes v. Broadway Play Publishing, Inc.*, Case No. 1:23-cv-9519 (JMF) (S.D.N.Y.)

13. Attached at **Exhibit 11** is a true and correct copy of the Memorandum Opinion and Order, dated July 19, 2024, in the action captioned, *Martin v. City Hive, Inc.*, Case No. 1:23-cv-4933 (OEM) (E.D.N.Y.)

14. I represented the defendants in the cases, *Tavarez v. Moo Organic Chocolates, LLC*, No. 21-CV-9816 (VEC), 2022 WL 3701508 (S.D.N.Y. Aug. 26, 2022), *Maddy v. Life Time, Inc.*, No. 22-CV-5007 (LJL), 2023 WL 4364488 (S.D.N.Y. July 5, 2023), *Mercedes v. Broadway Play Publishing Inc.*, Case No. 1:23-cv-9519-JMF-VF (S.D.N.Y. July 5, 2023), and *Martin v. City Hive, Inc.*, Case No. 1:23-cv-4933 (OEM) (E.D.N.Y.).

15. In each of these cases, immediately after the courts ordered jurisdictional discovery on the issue of the plaintiffs' standing, instead of taking part in jurisdictional discovery and/or the evidentiary hearing as directed by the courts, the plaintiffs' lawyers voluntarily withdrew the cases without any monetary payment from the defendants.

Dated: October 21, 2024

/s/ Martin S. Krezalek

MARTIN S. KREZALEK